



## **Town of Moultonborough Planning Board**

### **Notice of Decision**

### **Amendment of Previously-Approved Subdivision Permit Morrill Homes of Wolfeboro-Tuftonboro/Tax Map 152, Lot 18**

November 10, 2010

**Applicant:** Morrill Homes of Wolfeboro-Tuftonboro  
4 Frank Goodwin Road  
Wolfeboro, NH 03894  
**Location:** Off Severance Road (Tax Map 152, Lot 18)

On August 25, 2010, the Planning Board of the Town of Moultonborough opened a public hearing on the application of Morrill Homes of Wolfeboro-Tuftonboro (hereinafter referred to as the “Applicant” and/or “Owner”) to allow amendment of the previously approved Subdivision Permit for a 14-lot subdivision, roadway and associated infrastructure dated September 12, 2007 in the Residential Agricultural Zoning District.

The public hearing was continued to September 8, 2010, September 22, 2010, October 13, 2010, and November 10, 2010. The public hearing was closed on November 10, 2010. At the regularly scheduled Planning Board meeting on November 10, 2010 the Board voted by a vote of seven (7) in favor (Coppinger, King, Charest, Jensen, Fairchild, Maroun, Nelson), none (0) opposed, to **GRANT** their request for an Amendment to the previously approved Subdivision Permit subject to the following conditions:

#### **1. Conformance with Plan**

Work shall conform with the amended plans entitled, “Countryside Amended Subdivision Plan, Morrill Homes of Wolfeboro...Severance & Caverly Road, Carroll County, Moultonborough, NH” prepared by Associated Surveyors, 16 Hillrise Lane, Meredith, NH 03253, dated August 5, 2010 and revised November 11, 2010.

#### **2. Amendments**

Any modification to the amended approved plans created by Associated Surveyors titled “Countryside Amended Subdivision Plan, Morrill Homes of Wolfeboro...Severance & Caverly Road, Carroll County, Moultonborough, NH” and dated August 5, 2010 and revised November 11, 2010, and any modification of any condition of this approval, together with previous approvals unless otherwise specified in this decision, must receive the prior approval of the Planning Board, unless deemed insignificant by the Town Planner. In such case the applicant shall submit to the Planner the requested changes who shall seek Board approval of the changes.

The applicant will not proceed unless the Planner first provides written approval of the requested insignificant changes.

**3. Endorsement of Plan**

Following the vote of approval by the Planning Board, and the statutory thirty (30) day appeal period in accordance with RSA 677:15, the Planning Board Chairman shall sign the approved plan, subject to conditions of this approval, which shall be recorded at the Carroll County Registry of Deeds. The conditions of approval of this subdivision review shall be placed on the final plans, or this decision shall be recorded with the plans, at the Carroll County Registry of Deeds, in accordance with RSA 676:3 (III), within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing.

**4. Conditions and Terms of Previous Approval**

All terms and conditions of the original Subdivision Approval dated September 12, 2007, not amended by this decision shall remain in effect and are hereby incorporated as conditions into this Notice of Decision.

**5. Subdivision Regulations**

All construction shall be in accordance with the requirements of the Subdivision Regulations and any other applicable rules and regulations as affected by this decision.

**6. Transfer of Ownership**

Within five (5) days of transfer of ownership of the site, the Applicant, their successors or assigns, shall notify the Board in writing of the new owner's name and address. The terms, conditions, restrictions and/or requirements of this decision shall be binding on the new owner and its successors and/or assigns.

**7. Progress Reports**

Upon the request of the Planning Board, the owner shall submit reports of the progress of the site's completion within five (5) business days.

**8. Construction Practices**

All construction shall be carried out in accordance with Town of Moultonborough ordinances and the Subdivision Regulations, as well as all other pertinent rules and regulations. Additionally, all staging of materials and equipment shall be on-site, and no equipment or materials not directly used in the construction of the site shall be located on site.

**9. Construction Requirements**

- a. All construction will occur on site; no construction will occur or be staged within Town rights of way.
- b. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the Owner prior to the issuance of any Certificates of Occupancy for the site(s).
- c. All construction shall occur between the hours of 6:00 am and 9:00 pm as required by the Town of Moultonborough Unnecessary Noise Ordinance (Section 10.2(6)).

- d. The applicant shall clean construction vehicles before they exit the construction site, and clean and sweep all streets affected by their construction truck traffic as necessary.

#### **10. Clerk of the Works**

The services of a consultant to serve as a Clerk of the Works shall be provided by the Town, at the applicant's, or his successor's or assign's, expense, to review the remaining infrastructure work. All previous inspections of infrastructure shall be detailed in written inspection forms and shall be turned in to the Town for the use of the Clerk of the Works prior to any further infrastructure work being done. In the event that the previous inspection reports are not sufficient, the Clerk of the Works may order any necessary tests, including borings, to be conducted, at the applicant's expense, to verify previous work.

#### **11. Fire Department**

All work shall comply with the requirements of the Moultonborough Fire Department as affected by this decision.

#### **12. Office of the Building Inspector**

All work shall comply with the requirements of the office of the Moultonborough Building Inspector as affected by this decision.

#### **13. Utilities**

Any utility installation shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of a Building Permit.

#### **14. Lighting**

All lighting shall be in conformance with the Town of Moultonborough Zoning Ordinance and Subdivision Regulations.

#### **15. E-911 Numbering**

The lots shall conform with the Town of Moultonborough Building Numbering System Ordinance (Section 20), prior to the issuance of Certificates of Occupancy for the lots.

#### **16. New Street Naming**

All newly created streets shall have their names approved by the Board of Selectmen and the Fire Chief, prior to a Certificate of Occupancy being issued for any of the lots within the subdivision.

#### **17. Maintenance**

A signed Maintenance Agreement shall be submitted to the Land Use Office for acceptance prior to the issuance of any Certificates of Occupancy for the site. Said Maintenance Agreement shall include schedules for cleaning of catch basins and other similar infrastructure maintenance items to ensure their proper functioning and shall include the following:

- a. Refuse removal, infrastructure and grounds maintenance and snow removal shall be the responsibility of the applicant and/or Homeowners Association.
- b. Winter snow in excess of snow storage areas on the site shall be removed off site, as applicable.

- c. A schedule for cleaning of catch basins, culverts, and other stormwater infrastructure for the site.

#### **18. Bond**

The applicant, his successors or assigns, shall file security with the Planning Board to guarantee completion of the utilities and roadway construction for the subdivision, above what has presently been constructed being, namely, the finish coarse of paving for the street. The Planning Board recommends that the security shall be in the amount of \$10,000. Said security shall be in the form of a surety bond issued by a surety company authorized to do business in New Hampshire, cash, or savings bank passbook properly endorsed to the Town, or a Letter of Credit in a form acceptable to the Town. The Planning Board may from time to time, at their discretion, and upon request by the applicant, its successors or assigns, reduce the amount of such security to an amount sufficient to ensure that any and all remaining utility or roadway construction shall be able to be completed by the Town in the event that the developer does not complete the improvements. The security shall be approved by the Planning Board and submitted to the Town of Moultonborough prior to the commencement of any construction activities on the project site.

#### **19. Homeowner's Association**

All Roadway Rights-of-Way, with associated infrastructure, shall be conveyed to the Homeowners Association before the issuance of the final Certificate of Occupancy for the subdivision. It shall be responsibility of the Homeowners Association (HOA) to maintain these areas and their associated infrastructure, upon receiving them from the applicant. The HOA documents shall be amended to reflect the required maintenance of the common land and roadways by the members of the HOA.

#### **20. Legal Fees for Review**

The applicant shall pay all legal fees for the review of project documents during the permitting process, as detailed in invoices from the Town's legal counsel, Peter Minkow, prior to the issuance of any residential Building Permits for the site.

#### **21. Forrested Buffer**

The forested buffer to be used for stormwater treatment on Lots 7-13 must be delineated on a revised set of plans and deed restricted to ensure proper stormwater treatment of the site. Such plans and deeds shall be submitted for review prior to final endorsement of the plat.

#### **22. Revised Drainage and Stormwater Management Plan Information**

The applicant shall turn in a full drainage report and/or revised Stormwater management Plan with the locations of watersheds and indicating the results of the modeling for stormwater control. Measurements for water quality and other post-development impacts at the site shall be taken at the property line, or at the immediately off-site stream indicated as stream "12R". Such measurements shall indicate compliance with the Stormwater Ordinance and shall be turned in prior to endorsement of the plans.

#### **23. Detention Basin to be Removed**

The previous plan's detention basin is not to be constructed. As such, the previous requirement for maintenance of the detention basin is not required and is null and void.

**24. Fire Protection**

The owner shall install sprinkler systems for fire protection for each lot's dwelling unit, prior to issuance of Certificates of Occupancy for each lot. This condition replaces the previous approval's condition requiring bonding for the sprinkler systems.

**25. As-built Plans**

As-built plans, stamped by a Registered Professional Engineer, shall be submitted to the Land Use Department and the Road Agent prior to the issuance of the last Certificate of Occupancy for the site.

**26. Testimony and Representation at Public Meetings**

All testimony and representations made by the applicant or their representatives during the Public Hearing(s) and Public Meeting(s) shall be incorporated into this approval and part of this Notice of Decision.

**27. Right to Amend Decision**

The Planning Board reserves the right to modify or amend this approval on application of the owner, lessee, or mortgagee of the premises, or upon its own motion, as permitted by the Town of Moultonborough Subdivision Regulations, Section 4.14, and RSA 676:4.

**28. Violations**

Violations of any condition of this decision shall result in placement of a Stop-Work Order or a Cease and Desist Order, as appropriate, on the property by the Building Inspector and/or the Planning Board, unless the violation of such condition is cured within fourteen (14) days, or waived by a majority vote of the Planning Board. Outstanding violations of the approved plans or conditions of approval may result in the revocation of this approval by the Planning Board.

This decision shall not take effect until thirty (30) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, it is recorded in the Carroll County Registry of Deeds, in accordance with RSA 677:15.

---

Joanne Coppinger  
Chairman, Planning Board

Date \_\_\_\_\_